

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 6, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-25135 - APPLICANT: MOUNTAIN VIEW ESTATES -  
OWNER: THE JEWELERS, INC. 401(K) PROFIT SHARING PLAN & TRUST**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. A wet-sealed survey site plan shall be submitted to the Planning and Development Department demonstrating compliance with Title 19.14.100 with regard to the separation distance from the proposed off-premise sign to the nearest existing off-premise sign.
2. Conformance to all minimum requirements under LVMC Title 19.04.010 for the Off-Premise Sign use.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. This Special Use Permit shall be reviewed in two (2) years, at which time the City Council may require removal of the Off-Premise Sign. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.
5. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.
6. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.
7. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
8. The Off-Premise Sign supporting structure shall be redesigned to include finish materials that complement the existing on-site building. The entire face-area of both sides of the Off-Premise Sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

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9. Bird deterrent devices shall be installed on the sign.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Public Works**

11. The proposed sign, including ground mounted base, shall not be located within the existing public right-of-way, within the additional 10 feet of right-of-way needed adjacent to this site in accordance with the City's adopted Master Plan of Streets and Highways that designates Western Avenue as an 80-foot Secondary Collector (MSH-13509) or interfere with Sight Visibility Restriction Zones. In addition, the proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed 55-foot high, 14-foot by 48-foot Off-Premise Sign at 2411 Western Avenue. Denial is recommended, as insufficient justification was supplied to warrant the proposed sign at a height of 55 feet. In addition, the specific location of the proposed off-premise sign is within area designated as future right-of-way for Western Avenue. New development cannot be located within the right-of-way; therefore, the Off-Premise Sign use is not harmonious with the future land use proposed for this area.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |  |
|---|--|
| <b>Month/date/year</b>  | <b>Action</b>  |
| 12/10/03  | Code Enforcement Case #7600 – An inspection was conducted at 2411 Western Avenue. The site failed to conform to the zoning code. Follow-up inspections were conducted 03/1/04, 04/14/04, 05/4/05 and 01/20/06. The case was resolved and closed on 1/20/06.  |
| 05/17/06  | The City Council approved a request (GPA-9219) to amend the future land use designation on parcels located within the Las Vegas Redevelopment Plan area and Redevelopment Plan expansion area to Commercial, Industrial, Mixed Use or Public Facilities. The Planning Commission and staff recommended approval.                   |
| 10/04/06  | The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-13509) to reclassify Western Avenue from a 60-foot Minor Collector to an 80-foot Secondary Collector between Charleston Boulevard and Sahara Avenue as part of a larger request. The Planning Commission and staff recommended approval. |
| 02/14/07  | A Planning and Development Department inspection (Z-INSP-19889) was conducted at 2411 Western Avenue. What appeared to be a used car lot was determined to be wholesaling vehicles only.   |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |  |
| <b>Month/date/year</b>  | <b>Description</b>   |
| 05/07/98  | A business license (P27-00009) for a vehicle license registration business was issued at 2411 Western Avenue, Suite #B under a different license number. The business first received the license at a different location on 03/08/91.  |
| 01/22/02  | A business license (A44-00003) for limited car sales (max. 2 vehicles, retail allowed) was issued at 2411 Western Ave #A1 under a different license number. The business first received a license for auto sales at a different location on 04/18/01.  |

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| 09/25/02   | A building permit (#02017393) was issued for a Non-work Certificate of Occupancy for a health club use at 2411 Western Avenue, Suite #G. A final inspection was completed 01/09/03.   |
| 04/23/04   | A business license (M01-08155) for a janitorial service was issued at 2411 Western Avenue, Suite #F. The license is active.   |
| 10/13/04   | A business license (D06-00844) for a web designer was issued at 2411 Western Avenue, Suite #F. The license is active.   |
| 10/13/04   | A business license (I01-00150) for an Internet host provider was issued at 2411 Western Avenue, Suite #F. The license is active.  |
| 03/16/07   | A building permit (#07000917) was issued for a Non-work Certificate of Occupancy for a delivery service at 2411 Western Avenue, Suite #I. No final inspection was completed.  |
| 03/24/07   | A business license (A45-90486) for auto detailing at 2411 Western Avenue, Suite #G was denied. A Licensing inspection noted that this was an internal operation affiliated with the limited car sales license and is not open to the public.  |
| <b><i>Pre-Application Meeting</i></b>  |   |
| 10/12/07   | Submittal requirements for a Special Use Permit for an off-premise sign were discussed.   |
| <b><i>Neighborhood Meeting</i></b>   |   |
| A neighborhood meeting is not required for this application, nor was one held. |   |
| <b><i>Field Check</i></b>  |   |
| 10/31/07   | The site is developed with a narrow building having a two story front and roll up doors on the side. The front setback appears to be about 10 feet. The proposed location is in a small landscape planter area containing a dying palm tree and hardscaped groundcover. There is a detached structure in the rear with several roll up doors. Cars line the parking area from the south driveway to the rear. The narrow one-way access drive on the north side of the building was blocked by mobile equipment on the day of the inspection. A freestanding sign is located on the south side of the property. |

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| <b><i>Details of Application Request</i></b> |      |
| <b><i>Site Area</i></b>                      |      |
| Net Acres                                    | 0.69 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>             | <b>Planned Land Use</b>        | <b>Existing Zoning</b> |
|-----------------------------|--------------------------------------|--------------------------------|------------------------|
| Subject Property            | Offices, Motor Vehicle Sales (Used)  | LI/R (Light Industry/Research) | M (Industrial)         |
| North                       | Building and Landscape Material Yard | LI/R (Light Industry/Research) | M (Industrial)         |

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|       |                                      |                                |                |
|-------|--------------------------------------|--------------------------------|----------------|
| South | Building and Landscape Material Yard | LI/R (Light Industry/Research) | M (Industrial) |
| East  | Warehouse and Retail                 | LI/R (Light Industry/Research) | M (Industrial) |
| West  | Retail, School                       | LI/R (Light Industry/Research) | M (Industrial) |

| <i>Special Districts/Zones</i>                       | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|--|------------|-----------|-------------------|
| <b>Special Area Plan</b>                             |            |           |                   |
| Redevelopment Plan Area (Industrial)                 | X          |           | Y                 |
| <i>Special Districts/Zones</i>                       | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>         |            |           |                   |
| A-O Airport Overlay District (175 Feet)              | X          |           | Y                 |
| <b>Trails</b> (Multi-Use Transportation – proposed*) | X          |           | N/A               |
| <b>Rural Preservation Overlay District</b>           |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b>    |            | X         | N/A               |
| <b>Project of Regional Significance</b>              | X          |           | Y                 |

\*A multi-use transportation trail is proposed entirely within the Union Pacific Railroad right-of-way, which is adjacent to the site.

## INTERAGENCY REVIEW

Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a “Project of Regional Significance,” as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. No comments have been received as of 11/19/07.

## DEVELOPMENT STANDARDS

Minimum Distance Separation Requirements:

| <b>Standards</b> | <b>Code Requirement</b>  | <b>Provided</b>   | <b>Compliance</b> |
|------------------|--|---|-------------------|
| Off-Premise Sign | Minimum 300-foot distance separation from any other off-premise sign   | Approx. 345 feet and 575 feet to SE<br>Approx. 335 feet to SW | Yes               |
| Off-Premise Sign | Minimum 300-foot distance separation from nearest property line of a lot in the U or any “R” zoning district | Nearest U or “R” property is approximately 710 feet to E      | Yes               |

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|--|--|---|-----|
| Off-Premise Sign within 660 feet of right-of-way and which can be read from I-15, I-515, U.S. 95 or Oran K. Gragson Highway and is oriented toward these rights-of-way | Minimum 750-foot distance separation from any other off-premise sign along the same frontage | Approximately 715 feet from I-15 ROW; therefore this restriction does not apply | N/A |
|--|--|---|-----|

**Locational Requirements:**

| <b>Standards</b> | <b>Code Requirement</b>   | <b>Provided</b>  | <b>Compliance</b> |
|------------------|---|--|-------------------|
| Location         | No off-premise sign may be located within the public right-of-way   | On property owned by The Jewelers, Inc. 401(k) Profit Sharing Plan and Trust | Yes*              |
| Zoning           | Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only  | M District   | Yes               |
| Area             | No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.<br><br>Max. advertising height 30'<br>Max. advertising width 60' | 14' H x 48' W = 672 SF<br>No embellishments                                  | Yes               |

\*Although not currently within the Western Avenue right-of-way, the proposed location of the off-premise sign is within an area designated for future expansion of the Western Avenue right-of-way. Title 19.14.100 prohibits any off-premise sign from being erected within the public right-of-way.

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| Height | No higher than 40 feet from grade at the point of construction, except within 60 feet of right-of-way street to which it is oriented may be constructed to maximum of 55 feet if a significant portion of the display surface is obscured from view from the travel lanes of the street | Oriented to Western Ave.<br>Located 7 feet from Western Ave.<br>Proposed 55 feet high due to alleged obstruction of view from Western Ave. | Yes |
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|           |   |   |     |
|-----------|---|---|-----|
| Setback   | Off-premise signs shall not be located closer than 10 feet to the ROW line of a freeway or closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways. | Set back 800' from I-15 ROW<br>Set back approx 160' from intersection of Western Avenue and Scotland Lane | Yes |
| Screening | All structural elements of an off-premise sign to which the display panels are attached shall be screened from view.  | Screened  | Yes |
| Other     | All off-premise signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.   | Pylon sign attached to ground<br>Flag style   | Yes |

## ANALYSIS

Title 19.14.100 (C.8) states that “Off-premise signs shall be no higher than 40 feet from grade at the point of construction, except that an off-premise sign within 60 feet of the right-of-way line of the street to which it is oriented which, at a height of 40 feet, will have a significant portion of its display surface obscured from view from the travel lanes of the street may be increased to a maximum of 55 feet when authorized by the City Council.” The proposed off-premise sign is located in a landscape planter approximately seven feet from the current Western Avenue right-of-way. The applicant claims that the height of the buildings in the surrounding area requires the height to be raised to 55 feet. All other off-premise sign standards are satisfied by the proposal.

In a previous action, Western Avenue was approved to be reclassified from a 60-foot Minor Collector to an 80-foot Secondary Collector adjacent to the subject site. The sign is proposed to be located within a 10-foot wide area that is needed for future expansion of Western Avenue. Staff recommends against this location, as the sign, if constructed, would eventually have to be relocated to allow for the expansion of the right-of-way. A condition of approval is recommended prohibiting location of the off-premise sign within both the existing Western Avenue right-of-way and the additional 10 feet of right-of-way needed adjacent to this site in accordance with the City’s adopted Master Plan of Streets and Highways.

## FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

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The Off-Premise Sign use is appropriate within the M (Industrial) Zoning District and with other surrounding land uses. However, information supplied by the applicant justifying the additional height over 40 feet is not adequate to substantiate the compatibility of this request with other development in the area. In addition, the specific location of the proposed off-premise sign is within area designated as future right-of-way for Western Avenue. New development cannot be located within the right-of-way; therefore, the Off-Premise Sign use is not harmonious with the future land use proposed for this area.

**2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is suitable for the Off-Premise Sign use, as long as the sign does not impede site circulation, is not located within site visibility zones, and is not located within current or future rights-of-way. The proposed location is in an area planned for the future expansion of the Western Avenue right-of-way, which has already been approved. This location therefore cannot be supported.

**3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Western Avenue (a 60-foot right-of-way classified as a Secondary Collector) provides access to the site; however, the off-premise sign use does not require vehicular access.

**4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit will not compromise the public health, safety and welfare, as its permit is subject to ongoing City inspections and enforcement.

**5. The use meets all of the applicable conditions per Title 19.04.**

Title 19.04 cross references Title 19.14.100, which contains the standards applicable to off-premise signs. All standards in this section are satisfied by the proposal; however, once Western Avenue is expanded, the proposed location of the proposed off-premise sign will be within public right-of-way and not in conformance with Title 19.14.100. Regular maintenance of the sign is required, if approved.



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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 58

**APPROVALS** 0

**PROTESTS** 0